

|                          |                   |                 |               |
|--------------------------|-------------------|-----------------|---------------|
| Waivers                  | First Name        | Last Name       | Claim Number  |
|                          |                   |                 | W-16-0008     |
| Amount                   | OGC Received Date | Assigned To     | Assigned Date |
| \$779.29                 | 06/10/2016        | Stephanie Rich  | 06/10/2016    |
| EPA Decision             | EPA Decision Date | Amount Approved | Status        |
| DENIED                   | 12/13/2016        | CLOSED          |               |
| Appeal                   | Comments          |                 |               |
| No                       |                   |                 |               |
| Type                     |                   |                 |               |
| Leave Without Pay (LWOP) |                   |                 |               |

#### Attachments

Dear [REDACTED]:

This email is in response to your "Waiver/Remission of Indebtedness Application" dated 05/27/16, wherein you requested approval of a waiver in the amount of \$779.29. For the reasons set forth below, your Request for Waiver is denied.

#### Background

Our records show that you separated from EPA on 07/10/15. You received a Bill for Collection dated 05/06/16 from EPA's Bureau of Reclamation in the amount of \$779.29. This Bill for Collection states that you received overpayment for 45 minutes for the pay period ending on 06/13/15 and received overpayment for 36 hours for the pay period ending on 06/27/15. For the pay period ending on 06/13/15, you were overpaid for 45 minutes of annual leave. Originally, you were paid for these 45 minutes because you had entered the minutes as regular work time. Either you or your supervisor subsequently amended these 45 minutes to annual leave. Because your available balance of annual leave for the pay period at that time was zero hours, the 45 minutes were automatically converted to leave without pay (LWOP).

For the pay period ending on 06/27/15, you were overpaid for 8 hours of annual leave and 4 hours of sick leave. The debt for this overpayment was prompted by an accumulation of over 80 hours of LWOP. For a full-time employee, each accumulation of 80 hours of LWOP (or combination of LWOP and other non-pay status) in a leave year reduces the sick and annual leave accruals in the pay period in which the 80th hour of non-pay status accrues. The number of hours of leave reduced is equal to the number of leave hours earned in a pay period. You reached 80 hours of LWOP for the leave year during the pay period ending on 06/27/15. You therefore did not accrue 6 hours of annual leave and 4 hours of sick leave for that pay period. Additionally, you did not have enough leave to cover the remaining 2 hours of annual leave you entered into your timecard. The system automatically converted the 8 hours of annual leave and 4 hours of sick

leave to LWOP, generating a debt for those 12 hours.

The remaining debt for the pay period ending on 06/27/15 was generated by a change to your timecard from 24 regular hours to 24 hours of AWOL.

Originally you had received pay for three 8-hour days on 06/24/15, 06/25/15, and 06/26/15. However, email exchanges between you and your supervisor show that you were absent for these hours. Your supervisor subsequently adjusted these hours in your time card to AWOL.

On 05/27/16 you submitted a Waiver Application in which you state that you became aware of the debt upon receipt of a letter from the Washington Finance Center on 05/10/16. In your application, you claim that a waiver is appropriate because "this is not an error." You also claim that you were "not aware of any error that was backpay for hours AWOL to leave bank hours."

#### Analysis

Under 5 U.S.C. § 5584, I have the authority to waive collection of erroneous payments or allowances if collection would be against equity and good conscience and not in the best interest of the United States, provided there is no indication of fraud, fault, misrepresentation, or lack of good faith on the part of the employee. Generally, waiver is precluded if an employee receives a significant unexplained increase in pay or allowances or otherwise knows, or reasonably should know, that an erroneous payment has occurred. B-271308, April 18, 1996. This is because an employee who has knowledge of a pay error or who should have been aware of a pay error is deemed to be at fault.

Here, I find that you either knew or should have known that you had been overpaid for 45 minutes for the pay period ending on 06/13/15. Your Leave and Earnings statement for the preceding pay period showed a balance of 6 hours of annual leave. You entered 6.45 hours into your time card even though you were on notice that the amount exceeded the available balance. You also knew or should have known that you were overpaid for the 8 hours of annual leave and 4 hours of sick leave for the pay period ending on 06/27/15. You were aware that you had been receiving many hours of LWOP. Having worked for EPA for nearly 15 years and as an office manager for some of that time, it is reasonable to assume that you should be familiar with EPA's leave accrual policy.

Lastly, I find that you either knew or should have known that you were overpaid for the 24 regular hours. Email exchanges between you and your supervisor show that you were absent for these days and that you had requested your supervisor's approval of sick leave for 24 hours. However, you never submitted the required documentation as per your Leave Restriction agreement. Accordingly, your supervisor changed your time card for this pay period from 24 regular work hours to 24 hours of AWOL. Because you were aware of your Leave Restrictions, you either knew or should have known that, without providing the proper medical

documentation, your supervisor would record these hours as AWOL.  
Based on the foregoing, your Request for Waiver is denied. I am requesting  
that the Washington Finance Center proceed with collection accordingly.